

**TOWN OF SUPERIOR  
TOWN COUNCIL MINUTES  
THURSDAY, MAY 14, 2015  
REGULAR MEETING OF THE SUPERIOR TOWN COUNCIL HELD ON THURSDAY  
MAY 14, 2015 AT 7:00 PM IN THE SUPERIOR AUDITORIUM 199 N. LOBB AVENUE,  
SUPERIOR, ARIZONA, PINAL COUNTY, ARIZONA.**

**CALL TO ORDER**

Vice-Mayor Lopez called meeting to order at 7:03 p.m.

**ROLL CALL**

Mayor	Jayne Valenzuela
Vice-Mayor	Olga Lopez
Councilmember	Gilbert Aguilar
Councilmember	Michael Alonzo
Councilmember	Mila Besich-Lira
Councilmember	Stephen Estatico
Councilmember	John Tameron

**PLEDGE OF ALLEGIANCE**

Vice Mayor Lopez led Council, staff and audience in the Pledge of Allegiance

**INVOCATION**

Pastor Dennis Van Gorp, Family Life Christian Center gave the Invocation

**STAFF ATTENDANCE**

Town Manager	Margaret Gaston
Town Attorney	Steven Cooper
P&Z Administrator	Lawrence Tomasello
Police Chief	Mark Nipp
Sargent	David Nuess
Officer	Anthony Doran
Fire Department	Tim Gotto
Staff	Nora Miramon

**PUBLIC ATTENDANCE**

Dixie Briegel	Sam Rua
Gary Briegel	Nina Crowder
Keri Richards	Joy Eveland
Bill Vogler	Sandra Doyle
Nancy Vogler	Tom Sprivgen
Tim Schenell	Pam Rabago
Bruce Armitage	Barbara Armitage
Hope Martinez	

**SPECIAL PRESENTATIONS**

Presentation of a Bench made by Robert (Veto) Cervantes, Vice-Mayor Lopez gave a public thank you to Mr. Cervantes for the bench he donated to Town Hall. Mr. Cervantes has donated several of these benches to several businesses around Town. It takes a lot of hard work time to get these done. She wanted to thank him publicly for his generosity.

Presentation of Girls Varsity Softball Team and Boys Varsity Baseball Team, Vice-Mayor Lopez wanted to congratulate the girls softball team for bring home the State Championship. They all did a great job and played really hard. This was a great achievement for them and we are all very proud of them.

#### **STAFF REPORTS**

Manager-There was damage done to the ADOT bathrooms, and tot eh sinks and faucets in the Food Court this week. The ADOT bathroom a urinal was destroyed. The cost for a new one is almost \$, 900 plus shipping and tax. This is why we lock the bathrooms at night and open in the morning. The Caboose Park bathrooms were unlocked over the weekend of the Ore Cart Dedication; luckily there was no damage this time.

There was a dedication on Tuesday of the Bird House Little Library in Besich Park.

The effluent storage tanks have been moved. One set of piping is completed, but we are adding two more sections. One is for an overflow outlet, second piping will be attached to a meter then out to the road where a water tank will be placed by a contractor.

The League of Arizona Cities and Town Conference is on August 18-21. If anyone wants to go you need to let me know by the 27<sup>th</sup>. The rooms fill up fast so it is easier to reserve rooms in the beginning so you all stay in the same place. We can always cancel if someone cannot make the conference.

The Swimming Pool will be opened on May 25, 2015. There will be free swim on the first day and on the 4<sup>th</sup> of July. We have only 7 people that applied. Three are from last year and four new applicants. We might have to make some adjustments, especially if any of the lifeguards need time off.

We are still working on the 4<sup>th</sup> of July celebration. Omya has offered to donate a pallet of bottled water, and Resolution has offered to pay for the fireworks. Mr. Spridgen presented Ms. Gaston with a check for \$10,000 for the 4<sup>th</sup> of July fireworks.

#### **CONSENT AGENDA**

Pursuant to Section 2-4-6 (D), matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Prior to consideration of the Consent Agenda, the Mayor will ask whether any members of the Council request any item be removed from the Consent Agenda for separate discussion.

- A. Minutes of Regular Meeting on April 9, 2015
- B. Minutes of April 30, 2015, Special Meeting
- C. Blanket Permit Request Form for Ginny Baltierra/Kassandra Baltierra to raise funds for trip to Washington D.C.
- D. **Department Reports**
  - Fire
  - Library
  - Police
  - Senior Center
  - Public Works
  - Sanitation
  - Superior Magistrate Court
  - Sales Tax Audit

**NEW BUSINESS**

- A. Discussion and Approval of Ordinance No. 15-126 An Ordinance of the Town Council of the Town of Superior Amending Ordinance No. 14-125 by Approving Zone Change No. 2015-02**  
Vice-Mayor Lopez read the Ordinance for the record.

Ms. Gaston, The issue before the Council is to allow solar in the residential areas. There are two current solar projects waiting for this to be passed in order to complete the project correctly.

Lawrence Tomasello, He recommends the Town Council approve and adopt Ordinance No. 15-126, an Ordinance of the Town Council approving Zone Change No. 2015-02 by amending Ordinance No. 125. The recommendation before the Council is to change the height limit in the R1-190, R1-108, and R1-43 zone districts from 24 feet to 35 feet and in the R1-15, R1-15, R1-8, R1-6, and R1-5 zone districts from 24 feet to 30 feet.

The other issue before the Council is for enactment of a solar siting provision in the Zoning Ordinance. As a follow up, all section of the Code that would enable siting of solar energy sources have the following language to permit the solar siting as follows: "Solar siting and installation as set forth in Article XIII, 13.14 (Solar Siting)." This would apply to each of the following sections of the Zoning Ordinance; Article V, 5.1.A.7 and 9.1.B.9; Article X 10.1.A.5; and Article XII, 12.2.A.15 of the Town's Zoning Ordinance. After brief discussion a motion was made.

***Motion to approve Ordinance No. 15-126 An Ordinance of the Town Council of the Town of Superior Amending Ordinance No. 14-125 by Approving Zone Change No. 2015-02 made by Councilmember Besich-Lira, second by Councilmember Tameron, motion carries.***

***7-yea votes.....0 nay votes.....0 absent***

- B. Discussion and Approval of Quote from Premier Building Group to Remove Town of Superior Entrance Sign and Build a New Stand to Hold the Slate in the Amount of \$27,315.00, Single Source.** Ms. Gaston, Council accepted from ADOT the proposal to purchase property from the Town at the airport. In the proposal ADOT had also specified the Town get a bid to move the Town of Superior sign from its current location to a new location. ADOT paid the Town one lump sum that included moving the sign. The amount to move the sign was \$27,315.00. When Margaret read the minutes, she realized the Council had not specifically approved the bid of \$27,315.00 to move the sign. On March 12, 2015 the Council approved the IGA with ADOT to move forward in the expansion of US 60. The sign will be taken down by November 2015, and will not be put back until the road construction is either finished, or past the airport and into the Town. This is to correct that problem.

***Motion to Approve the Quote from Premier Building Group to Remove Town of Superior Entrance Sign and Build a New Stand to Hold the Slate in the Amount of \$27,315.00 made by Councilmember Alonzo, second by Councilmember Estatico, motion carries.***

- C. Discussion and Possible Approval of Mutual Aid Agreement between the Town of Kearny Fire Department and the Town of Superior Fire Department.** Margaret Gaston, The Town had firefighters attend the fire shooting school this year so she believes six people are now certified. In discussion with the Fire Department regarding reaching out to Kearny fire Department for some assistance with the fireworks, we realized Superior and Kearny do not have a Mutual Aid Agreement in place. This is something that we should have in place to help each other, but the agreement makes it official. This is a straight forward agreement and Steve Cooper has approved the agreement, but a statement was also added that states we both have the same Legal Counsel representing us and we are aware of that fact.

*Motion to approve a Mutual Aid agreement between the Town of Kearny Fire Department and the Town of Superior Fire Department was made by Councilmember Alonzo, second by Vice-Mayor Lopez, motion carries.*

- D. Discussion and Approval of Ordinance No. 15-127 An Ordinance of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona, Amending Section 4-1-5 of the Code of Ordinances.** Margaret Gaston, Chief Nipp, recently he suspended the Police Reserve Program as a result of poorly constructed policy and practices. He determined this needed immediate attention. Chief Nipp felt it would be best to stop the program and re-institute it after policy updates were made. Ordinance 15-127 amends the Town Code in regards to Section 4-1-5 Police Reserve. The Chief is currently rewriting the Police Policy Manual and has proposed a change to the Town Code. Many small communities in Arizona have started compensating Reserve Officers with a small hourly wage in order to help with recruitment of officers and to promote retention. The only words that are added to Section 4-1-5, A. Is “unless authorized by the Chief of Police”, this is in regards to compensation. After several minutes of discussion a motion was made.

*Motion to table item D An Ordinance of the Mayor and town Council of the town of Superior, Pinal County , Arizona, Amending Section 4-1-5 of the Code of Ordinances was made by Councilmember Alonzo, second by Vice-Mayor Lopez, motion carries.*

- E. Discussion and Approval of Portable Radio Purchase Motorola APX-4000 in the amount of \$19,387.74 from Creative Communications, Motorola Solutions.** Margaret Gaston, Chief Nipp, The Police Department is now ready to start some of their much needed purchases of the proper equipment. Radios are the first purchase. The Chief is recommending the Motorola APX-4000. The Motorola Radios are on the State Contract, and Creative Communications is designated as our provider. The \$19,387.74 will be taken out of the Resolution Copper payment for Emergency Services. The radios that still work will be kept and utilized as spares or can be used by Reserve Officers. After lengthy discussion a motion was made.

*Motion to table the approval of Portable Radio Purchase Motorola APX-4000 in the amount of \$19,387.74 from Creative Communications, Motorola Solutions was made by Councilmember Alonzo, second by Councilmember Aguilar, motion carries.*

- F. Discussion and Approval of Shotgun Purchase, Ammunition and Accessories from ProForce Law Enforcement in the Amount of \$5,849.81.** Margaret Gaston, The Chief and Margaret have talked about this purchase. The prices are State Contract prices. The new shotguns will fire less lethal bean bags ammunition. This purchase will be funded by money given to the town for the Emergency Services Agreement by Resolution. Chief Nipp, The Department currently has 3 Remington 870 shotguns in the inventory. The shotguns are not currently deployed by any officers because they are outdated. As a Remington Factory Armorer, Chief Nipp has been trained in the advantages of using the law enforcement model vs. the civilian model. Shotguns have been a law enforcement staple for decades and Remington has been the most common manufacturer for over 50 years. Shotguns can fire a variety of ammunition types like buckshot and ball slugs and they are very accurate with either load. Modern advances in law enforcement shotgun ammunition have reduced the recoil and improved accuracy significantly. In addition, less lethal technology for shotguns has advanced significantly and provides a very viable option to lethal force.

Providing less lethal options gives our police officers another tool to choose from that could potentially save a life. Less lethal shotguns are typically identified by their bright orange stocks which differentiate them from lethal shotguns. After several minutes of discussion a motion was made, Motion to approve the purchase of shotguns, ammunition and accessories in the amount of \$5,849.81 from ProForce Law Enforcement made by Councilmember Estatico, second by Councilmember Besich-Lira, motion did not pass.

*Motion was made to approve the purchase of 4 shotguns, ammunition and accessories from ProForce Law Enforcement by Vice-Mayor Lopez, second by Councilmember Tameron. Hand vote, Councilmember Estatico and Councilmember Besich-Lira/no votes. Vice-Mayor Lopez, Councilmember Tameron, Councilmember Aguilar, Councilmember Alonzo/yes votes, motion carries.*

*2<sup>nd</sup> Motion to approve to convert the 4 shotguns on hand to the less lethal bean bag ammunition made by Vice-Mayor Lopez, second by Councilmember Tameron, motion carries.*

- G. Discussion and Possible Approval of Off Duty Law Enforcement Services Agreement for Town of Superior Police Officers.** Margaret Gaston, This question was brought up again recently, when El Paso Natural Gas asked for the use of an off duty police officer to work near their pipeline. The Chief has drawn up an agreement that Ms. Gaston agrees with. Ms. Gaston likes the fact the Company that hires the off duty Officer to pay them directly, and issue a 1099 at the end of the year. The officer will not be paid through payroll, does not require any additional money to be paid to the Public Safety Retirement System and does not cost the Town any money. \$5.00 per hour would be paid to the town for the use of the vehicle, by the Company to the Town. The Police Chief has to authorize all of duty work, and also will determine if no one is available.

Mr. Cooper-Town Attorney has reviewed this agreement and approves it as content.

*Motion to approve Off Duty Law Enforcement Services Agreement for Town of Superior Police Officers made by Councilmember Alonzo, second by Vice-Mayor Lopez, motion carries.*

#### **CALL TO THE PUBLIC**

- A. Any citizen desiring to speak on a matter that is not scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Town Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Town Council. Pursuant to the Arizona Open Meeting Law, the Town Council cannot discuss or act on items presented at this time.**

Hope Martinez, Ms. Martinez wanted to know what the status of her request in regards to any kind of help, compensation from the city. She had a lot of damage from the flooding of her sewer system and hadn't heard from anyone in Town Hall.

Sandra Doyle, She just wanted to address Anthony from Public Works. She has been having a issue in regards to the one way street. There has been a lot of traffic going the wrong way on High School Avenue. She would like to see some more one way signs up because it is getting really bad in that area.  
2<sup>nd</sup> comment: She wanted to agree with Mr. Armiage, her dad was a pilot and used to fly in and out of the Airport.

Nancy Vogler, If I am not mistaken you took the code enforcement away from Fire Department and gave it to the Police Department. She understood that code enforcement would be going after properties that have weeds growing, dilapidated houses. She filed a complaint form out and gave it to Town Hall and

she has not seen anything different or anything happen. She is wondering does she have fill out another complaint form or does she have to wait another two years. Another thing, she works at the Chamber and she met this lady that just moved here and lives on Palo Verde Street. This lady has some neighbors that keep very strange hours and she has called the police but nothing seems to happen. She has been told that the Chief is a busy person and doesn't have time to talk to her.

Bill Vogler, As stewards of the Lost Trail, it looks like we are probably going to be without a trail as soon the US 60 project begins. There were agreements made between the Forest Department and ADOT. We would like to have the Towns support when talks began to happen in regards to the Lost Trail.

Sam Rua, He hopes he is not opening a can of worms, but he comes up here to collect his rents. He picked his mail and was a little shocked to read a letter regarding the 2% tax. If you do not know to collect this tax. It is not a unreasonable amount to pay and this tax will benefit the Town. But to go back 7 years is really unfair. This needs to be addressed and see if we can at least go back a few years but not 7 years. If I owe the tax then I am willing to pay. But going that far back is a little unreasonable and this really needs to be addressed.

Kerri Richards, She would like for the Town Council to see how we can modernize the Park bathrooms while they do the construction on the US 60. She would like the park can be truly a historical park and a representation of our Town of Superior. Let's finish the historical trail and truly make a historical part of the Town. The Town Council made a Promise to me and to the office of Tourism that they would keep the bathrooms available, clean and open. Planning and Zoning needs to start planning how to modernize that bathroom.

Bruce Armitage, He was recently invited to be on the Airport Advisory Committee. He hadn't been out to the airport in a while and you all need to know the airport is in horrible, horrible shape. There is a lot of debris like beer bottles, shotgun shells a picnic table that is sitting on its side, over grown trees overlapping onto the runway. There is at least 10-12 places where the fence is down. It is just in bad shape. He doesn't even know if the Town would be liable is a airplane landed and tipped over the runway is so bad. He has great aspirations for our airport but he just felt you really needed to know. Mr. Armitage also wanted to just say, the airport property is much bigger than he thought. It goes all the way by the wastewater treatment plant and around by that mining facility it is a huge piece of property.

**B. At the conclusion of the call to the public, individual Town Council members may (1) respond to criticism made by those who have spoken; (2) ask staff to review a matter; or (3) ask that a matter be put on a future agenda.**

Mayor Valenzuela, He is aware that the Town had the runway graded for an activity prior to the Mountain Festival so we do some work out there periodically. He addressed Ms. Gaston in asking her to get with staff and address some of the over grown trees and trim them.

Also if we can see if DOC can lend us a hand by letting the fence crew come and do the repairs on the fence. They have a fence crew that all they do is go out and repair fencing. He will get a contact number for staff to call. This will be thru the state. Mayor would like to see the contract between the Town and Signal Mountain Helicopters to see if there was any kind of agreement to maintain the property.

**SUMMARY OF CURRENT EVENTS**

Ms. Besich –Lira, Congratulations to the Superior girls' softball team. Ms. Lira received a letter for a resident. She is the one that manages the caboose center. She is going to forward this email to Margaret. She sent some statistics in regards to the number of winter visitors and the months that they were the busiest. The Caboose Center is a true asset to this Town and she just wanted to invite everybody to come by and visit the Caboose Center. The Caboose Center is open Monday thru Friday in the afternoon.

Mr. Aguilar – He also wanted to congratulate the state champs. Now that he has been subbing he has gotten to know some of the kids and this is a great accomplishment to represent your Town. It was nice and the game was a good game. Right now they are trying to raise money for the state champ rings so every little bit helps.

Mr. Alonzo – He also wants to say congratulations to the state champs. It was an exciting game, and it has been a while since there was a pep bus to take some of the students to the game and cheer on the team. Mr. Alonzo felt that maybe everyone from the Town was there. It was so exciting and he remembers coaching every one of those kids when they were in little league. He is very proud of them, so go out and support the parade on Saturday.

Mayor Valenzuela – He also wanted to congratulate the girls softball team for winning the State Championship. Unfortunately he was out of town in training and was unable to make the game. From what he heard he missed a heck of a game. Superior is used to going to state and bringing back the title. It has been awhile since we have done. He also wanted to congratulate the boys on their run. They didn't make it all of the way but they were in the final four. It is great that the communities of the Copper Corridor were all competing against all of these big schools where they have all of the amenities' to win and we brought it home.

Ms. Besich-Lira – One last comment, this is congratulation to Mr. Estatico, he was hired to be the schools new Superintendent.

Town Manager – She is very proud that Superior won, she was also glad it was a school in the Copper Corridor, so congratulation to Superior.

**SCHEDULING OF MEETING AND EVENTS**

Planning and Zoning Meeting May 21, 2015, 6:00 p.m.

Superior High School Graduation May 22, 2015

Council Meeting, June 11, 2015, 7 p.m.

July 4<sup>th</sup>, 2015, Celebration

**EXECUTIVE SESSION**

Motion to move into Executive Session with the Town Attorney, Steven Cooper; Town Manager, Margaret Gaston for one hour made by Councilmember Tameron, second by Councilmember Estatico, motion carries. Meeting was adjourned to Executive Session at 7:50 pm.

**A. Confidentiality Statement**

At the April 10<sup>th</sup>, 2014 Council Meeting the following members of the Superior Town Council declared a conflict of interest concerning matters involving Resolution Copper, Mayor Valenzuela, Vice-Mayor Lopez, Council Member Tameron and Council Member Aguilar. Due to the four conflicts of interest the Superior Town Council would not be able to discuss matters involving Resolution Copper. However, pursuant to A.R.S. 38-508 if conflicts of interest prevent a Town from acting as required by law in its official capacity, such action shall not be prevented if the Council Members who have apparent conflicts make known their conflicts of interest in the official records of the Town.

Due to the fact the Mayor, Vice-Mayor and two Council Members have publically declared their conflicts of interest at the prior Council Meeting and the Town Council would not be able to address matters involving Resolution Copper these Council Members are authorized to participate in matters involving Resolution Copper pursuant to A.R.S 38-508.

- B. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts, contracts subject to negotiation and or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. Section 38-431.03(A)(3) & (4):

Resolution Copper status of negotiations concerning possible Mutual Benefits Agreement.

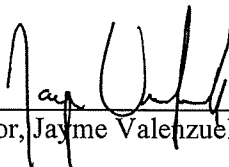
- C. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding potential annexation of real property. Pursuant to A.R.S. Section 38-431.03(A)(3) & (4)

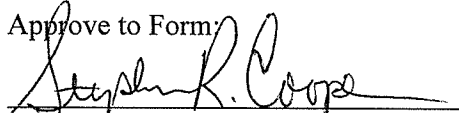
**REGULAR SESSION**

Motion to return back into regular session made by Councilmember Besich-Lira, second by Councilmember Estatico, motion carries at 8:50 p.m.

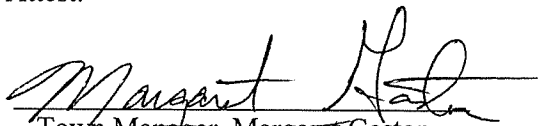
**ADJOURNMENT**

Motion to adjourn Council Meeting made by Vice-Mayor Lopez, second by Council Member Besich-Lira, motion carries. Meeting adjourned at 8:56.

  
\_\_\_\_\_  
Mayor, Jayme Valenzuela

Approve to Form:  
  
\_\_\_\_\_  
Town Attorney, Steven Cooper

Attest:

  
\_\_\_\_\_  
Town Manager, Margaret Gaston